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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 August 2000, at 3 p.m.

Chairperson: Ms. MOTOC

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The meeting was called to order at 3.05 p.m.

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION:

(a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

(b) XENOPHOBIA

(c) WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 3) (continued)

(E/CN.4/Sub.2/2000/11; E/CN.4/Sub.2/2000/NGO/8 and 15; A/CONF.189/PC.1/13 and Add.1)

1. Mr. BENNET (Afro-Asian Peoples Solidarity Organization) said that nations with a fragile democracy were the main culprits when it came to institutionalizing structures that sanctioned discrimination. Thus, in Fiji, an elected Government headed by an ethnic Indian had been overthrown to satisfy the xenophobia of a segment of Fijian society.

2. Democracy in Pakistan had been short-lived because discrimination and oppression were enshrined in the country's legislation such as the law declaring Ahmadiyas to be non-Muslims and the blasphemy laws. The military regime ignored calls by the minorities for abolition of the system of separate electorates and turned a deaf ear to international condemnation of the practice of the "honour killing" of women by their male relatives and the hudood ordinances that relegated women to the status of second-class citizens. Terrorist groups such as Harkat-ul-Mujahidin were absolved of their crimes in the name of jihad. Minorities such as the Mohajirs and Seraikis were chafing under the cultural and linguistic domination of the Punjabis.

3. A State that sought to perpetuate racial discrimination and xenophobia could never be a democracy. He thus urged countries which were reverting to business as usual with Pakistan to reconsider their position.

4. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination), noting that few of the world's media were committed to the impartial investigation of facts, stressed the importance of creating credible and reliable international media. To ensure honesty and integrity, media workers should be required, through their unions and specialized agencies, to take an oath similar to that of a witness in a court of law.

5. Surveys had shown that 2 per cent of the population of the United States used their wealth and influence to exert a major impact on American policy- and decision-making and owned about 1,000 local and international newspapers as well as numerous other media. Their power had been demonstrated by the recent publicity given to the trial of a few individuals accused of espionage in the Islamic Republic of Iran simply because the defendants belonged to a certain religious denomination. Meanwhile, several hundred other people in the region who were imprisoned without charge or trial were virtually ignored by the international media.

6. The racially motivated technique of manipulating the human mind by means of half-truths and selective reporting was invidious and, if allowed to continue, could lead to a nuclear war. She urged the non-governmental organizations (NGOs) to call on all media and their unions to introduce an oath of honour and integrity for their members. She also urged the United Nations to establish an international media and press agency for the transmission of news about its work.

7. Mr. PROVE (Lutheran World Federation) said that the Committee on the Elimination of Racial Discrimination had stated in its concluding observations on India's periodic report in 1996 that the situation of the scheduled castes and scheduled tribes fell within the scope of the Convention (CERD/C/304/Add.13). Discrimination on the basis of caste affected many millions of people in south Asia and parts of Africa and was a major obstacle to the right to development of the affected communities. The Sub-Commission had failed, however, to include the matter in its proposals regarding the agenda of the World Conference against Racism and NGO efforts to have it included had so far met with little government support. The Sub-Commission had a unique capacity to break the silence surrounding the issue and he urged it to undertake a study of discrimination based on caste or descent with a view to identifying the communities affected, specifying the ways in which their human rights were violated and proposing legislative and practical measures to improve their lives.

8. Mr. GRAVES (Interfaith International) said that his organization had recently sponsored a meeting of persons of different religions to discuss the forthcoming World Conference against Racism. The meeting had been structured around the five themes identified by the Preparatory Committee for the Conference at its first session.

9. With regard to religious discrimination, it had been noted that Muslim religious dress incited racist comments and that prisons in the United Kingdom provided chaplains only for Christian inmates. The Muslim community was working with the British Government to combat Islamophobia.

10. The meeting had criticized the media for disseminating racist or xenophobic material, particularly about asylum-seekers. The fact that they were fleeing political persecution was rarely mentioned. He urged the Sub-Commission to support the meeting's proposal that the Secretary-General should be urged to take a stand against the misuse of the media to promote innuendoes about particular religions and racial or ethnic groups.

11. The meeting had also discussed the exploitation of racist sentiment by politicians, particularly in countries where one ethnic or religious group held a dominant position. The World Conference should challenge the use of racism for political ends and adopt corresponding resolutions. Other important topics for the World Conference were compensation for victims of the slave trade, prevention of racial or ethnic genocide and recognition of acts of racial genocide in the past.

12. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that relatively little attention had been paid to the plight of over a million Sri Lankans employed in the Gulf countries. In addition to abnormally high figures for employment-related deaths and harassment complaints, their problems included recruitment

agency fraud, default of payment by employers, a heavy workload, harassment and sexual abuse. Migrant women workers were frequently beaten and ill-treated. They were unable to flee because their passports were held by their employers. Housemaids who suffered sexual harassment were often reluctant to reveal the truth or broke down when they did so.

13. Migrants' children in their home country often had to leave school to look after their siblings and were ill-treated by the remaining adults in the household. Her organization urged the Sub-Commission to give high priority to the situation of migrants, especially migrant women, and to recommend that 18 December be proclaimed international migrant workers' day. It also urged Governments that had not already done so to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families.

14. A Japanese NGO linked to her organization had recently reported on the circulation of racist information via the Internet in Japan, directed in particular against the Burakumin and Korean residents. Codes of conduct had been circumvented by using methods of dissemination that were harder to detect. The Sub-Commission should urge Governments to ensure that providers developed or revised their codes of conduct in the light of human rights requirements and to take action against incitement to racial discrimination. Governments should also clarify the responsibilities of agencies involved in Internet communications and set up independent bodies to deal with complaints. Her organization called on the Office of the High Commissioner for Human Rights (OHCHR) to compile a set of good practices for Internet providers, including codes of conduct.

15. Mr. MAEDA (Asian Women's Human Rights Council) said that the Governor of Tokyo, in a recent address to the armed forces, had stated that the Sangokujin (Koreans, Chinese and other foreigners resident in Japan) committed heinous crimes and were liable to instigate a riot in the event of an earthquake. In another statement, he had branded non-Japanese illegal immigrants as criminals. Such statements encouraged discrimination against all foreign residents and violated article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. During a major earthquake in 1923, over 6,000 Korean migrant workers and students had been massacred because they were alleged to have poisoned wells. The authorities, particularly the Governor of Tokyo, had a duty to apologize for the massacre, to punish the culprits and to compensate the victims.

16. Over the past decade, Korean schoolgirls in Japan who wore their national costume had frequently been assaulted. Two years previously, the office of a Korean association had been attacked and a Korean murdered in a town near Tokyo. The case had not been properly investigated and the perpetrator had not been arrested.

17. His organization requested the Sub-Commission to address the problem of discriminatory policy against foreigners and minorities in Japan.

18. Mr. OWONA (International Young Catholic Students) said that most migrant workers and their families had to leave their countries of origin for reasons beyond their control. Owing to the difficulty of obtaining a residence permit in the host country, they were exposed to economic, social and even cultural exploitation. Their access to health and other services was

limited, especially if they were of a different "colour", and their children were denied access to the education system. The illegal status of migrants became a source of tension in the host country, endangering both legal and illegal immigrants and the local population.

19. Long-term seasonal workers of Haitian origin in the Dominican Republic were unable to obtain residence permits and the authorities made it difficult for Haitian parents to register their children born in the Dominican Republic. Haitians were thus denied access to public services and exposed to all kinds of ill-treatment. Mass repatriation exercises were frequently accompanied by violence. Dominican legislation on immigration was not respected by the authorities themselves.

20. His organization called on the Sub-Commission to work for the strengthening of the machinery for the protection of migrant workers and their families, to support the development of an economic order in which human rights were respected and a person's race or ethnic origin was no longer a disadvantage, to set up a conciliation mechanism in the Sub-Commission to assist countries in addressing such problems, to urge the Sub-Commission on Borders and Migration of the Haitian and Dominican Bilateral Committee to carry out an in-depth study of the issue, to call on Governments to comply with their legislation on migrant workers and with the relevant General Assembly and Commission on Human Rights resolutions, and to undertake an in-depth study of racial discrimination, focusing on the need to introduce human rights teaching into school curricula at all levels of education.

21. Mr. NAQSHBANDI (Muslim World League) said that racial discrimination against India's 160 million "untouchables" or Dalits had been described as "the hidden apartheid". In villages, they were confined to separate areas from those inhabited by the upper castes. They were denied access to land and to wells and temples reserved for the upper castes and usually performed menial tasks such as the removal of human waste. Dalits were abused with the full patronage of the local authorities and police. During elections they were forced to vote for local landlords by the police and upper castes. Dalit women and children were sold into bondage to upper-caste creditors. Girls were sexually exploited and children required to sit apart from their upper-caste classmates at school.

22. His organization urged the United Nations to call on the Government of India to honour its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and other human rights treaties.

23. Ms. BIONDI BIRD (International Confederation of Free Trade Unions (ICFTU)), drew attention to daily incidents of racism and violence towards migrant workers, in particular to the recent case of 58 Chinese immigrants who had died attempting to enter Europe. In the United Kingdom, black and Asian workers suffered appalling levels of racist abuse, both verbal and physical. Often, those who complained were ignored, victimized or dismissed. A recent Trades Union Congress (TUC) report called for employers and trade unions to provide training in understanding and resisting racism, and for mandatory ethnic monitoring and targets to be introduced in the private sector.

24. The Congress of South African Trade Unions (COSATU) had elaborated a number of guidelines for progressive legislation on migration. Migrant workers should have the right to

join trade unions and to transfer wages, pensions and benefits without restriction, and Governments should agree to enforce labour standards effectively. Moreover, migration policies should be developed as part of a broader regional economic development plan, and legal guarantees of equal wages and working conditions should be established.

25. There should also be fair and proper control of the entry of migrant workers, and their formalization in the labour market should be promoted. COSATU recommended that heavy penalties be imposed on persons who employed illegal immigrants. Furthermore, immigration policies aimed at attracting skilled workers must not be allowed to jeopardize the development of skills of the national workforce.

26. ICFTU regretted that migrant workers' rights had been only marginally addressed at the recent World Summit for Social Development and Beyond. It was also a matter for concern that the issue had not been selected as a separate agenda item at its first session by the Preparatory Committee for the World Conference Against Racism.

27. Mr. BHAN (International Institute for Peace) said that, despite evidence of the international resolve to tackle racism, grass-roots realities did not inspire much confidence. Earlier forms of racism - such as the Holocaust of the Second World War, or the more recent apartheid in South Africa - were not likely to recur. However, new forms of racism - such as the phenomenon of religious and ethnic exclusivity - were in the ascendance and led to the grossest of human rights abuses, including ethnic cleansing.

28. In India, half a million Kashmiri Pandits and Sikhs lived as internally displaced persons while, in Afghanistan, ethnic communities not sharing the Taliban's social and political vision were targets of attack. The confrontation which was being engineered between native and non-native settlers by vested interests in many countries represented another new form of intolerance. It was in evidence, for example, in the artificial divide between the Sinhala and Tamil communities in Sri Lanka, and in the similar conflict contrived in Fiji between the "ethnic Fijians" and the Fijians of Indian origin.

29. A further form of intolerance and xenophobia was present in advanced Western countries, where anti-immigrant sentiments were rising alarmingly. Although migrant workers had provided the cheap labour on which the foundations of the developed economies had been laid, in times of recession, they were the first targets of frustration. In Germany and France, immigrant communities were being attacked, while in the United States, United Kingdom, Australia and Canada, immigration rules were being constantly tightened. It was such newer and subtler forms of racial discrimination and xenophobia which needed to be tackled in the run-up to the World Conference Against Racism.

30. Mr. JAHANGIR (Himalayan Research and Cultural Foundation) said that xenophobia had assumed alarming proportions, leading to grave human rights violations in various parts of the world. Paradoxically, religion was increasingly being used as a tool to generate hate and discord. The so-called jihad by so-called mujahidin, which was being used to spread xenophobic hatred in some parts of the world, represented a misuse of religion. Islam did not sanctify such

practices, which were used by certain countries for expansionist purposes, or, indeed, as a mask for organized crime. Specific case studies should be undertaken with a view to devising a strategy for dealing with xenophobia and tackling racism.

31. Mr. PARY (Indian Movement "Tupaj Amaru") said that racial discrimination was as old as mankind, but that did not mean it should be accepted as inevitable. Colonialism had engendered a series of horrors, such as slavery, racist hatred, violence and the plundering of indigenous peoples' property. Racism was, in fact, a Western phenomenon based on the concept of the purity of the colonizers' blood and the notion of the superiority of one race over another. There was no scientific basis whatsoever for that notion. Throughout history, indeed, racism had always served the economic and strategic interests of the dominant classes.

32. As a result of a lack of political will, the Third Decade to Combat Racism and Racial Discrimination had not been given the necessary resources to attain its objectives. The international community must move beyond rhetoric and examine the multiple forms of racism in the changing contemporary world.

33. The Sub-Commission, for its part, could contribute to the preparations for the World Conference against Racism by investigating the causes of racial discrimination, including the economic, social and cultural factors. It should also examine contemporary forms of racism and slavery, as well as exclusion and migration in the context of globalization. Moreover, in view of its immeasurable debt towards the indigenous peoples, the international community had a historic responsibility to ensure their effective participation in the World Conference.

34. Mr. SETYANA (Netherlands Organization for International Development Cooperation (NOVIB)) said that Indonesia was the "sending country" for the second largest number of migrant workers from South-East Asia. The large amount of foreign exchange earned by the migrant workers - which was of direct benefit to the country - was not compensated for by adequate protection from the Indonesian missions abroad.

35. Indonesian migrant workers were often subject to violence, exploitation, rape and even murder and their Government should take more responsibility for them. Agreements with receiving countries were crucial if effective assistance was to be provided. Currently, there was no effective legal protection for migrant workers and their families in place. Indonesia must therefore ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of urgency.

36. Mr. SAFI (World Muslim Congress) said that racial discrimination against minorities in India - particularly the Dalits or Haryans ("untouchables") - continued to be vehemently denied by the Indian Government, and ignored by the United Nations human rights machinery. With the rise of a nationalist Hindu party to power, there had been a marked increase in violent racist tendencies, culminating in attacks against indigenous peoples and lower-caste Hindus, attacks on churches and nuns, burnings of houses, killings of cattle, and raping of women.

37. In a written statement to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Indian Government had

asserted that the caste system did not fall under the definition of racism as contained in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Sub-Commission should initiate a study on the caste system to verify that assertion.

38. His own organization supported Mr. Pinheiro's view that the World Conference must state with precision and insistence that the rights of indigenous and lower-caste peoples were human rights, and that it was not sufficient merely to reaffirm the value of equality, as generations of politicians and lawmakers had done.

39. Ms. TALBOT (World Federation of Trade Unions) said that bigotry, discrimination and xenophobia continued to pose a threat to mankind's future. One lesson which should have been but had not been learned from the ethnic conflict in Rwanda and the religious confrontation in Indonesia and elsewhere was that all - irrespective of colour, faith or creed - were members of the same human family.

40. The onus for the evils of xenophobia and discrimination lay to some extent on the developed countries, many of which had achieved their current status through colonial exploitation. In addition to usurping the resources of the colonies, the colonial system had divided, ruled and dispensed favours in a manner that had accentuated tensions and differences between people. People in the South who had been deprived were currently demanding justice from those they believed responsible. Moreover, the policies of the developed countries on immigration, aid and international intervention only heightened the belief that racism and discrimination were alive and flourishing.

41. If the evils of racial discrimination were to be eradicated, developed countries would do well to examine the signals their policies continued to send. Instead, many voices in the Western world were referring to the need to redefine the concept of racism. They accused traditional societies of racism, no doubt because the latter continued to challenge the policy structures and practices of the developed world. The priority, surely, was to address traditional forms of racism, which continued to flourish. Changing the focus of the debate would only create further fissures in the human family rather than help fight discrimination.

42. Ms. ATTARDO (Minority Rights Group) said that her organization was concerned lest the World Conference against Racism should become the third in a sequence of world conferences to be dominated by diplomats with foreign-policy agendas, rather than by "we the peoples". The participation of minorities and indigenous communities in the meetings connected with the World Conference and its follow-up was not only essential, it was a basic right.

43. Her organization would be working with OHCHR to promote constructive dialogue between minorities, indigenous communities and Governments on full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. It would also promote the participation of minorities in the economic progress and development of their countries. The proposal had been made that research by members of the Sub-Commission could provide a valuable contribution to thematic discussions. In that connection, thematic work on caste issues was also important. As for the link between poverty and racism, it, too, required research as well as cooperation between the Sub-Commission and the Committee on the Elimination of Racial Discrimination.

44. Mr. SORABJEE said that the human right most frequently violated all over the world was the right to equality regardless of a person's religion, colour or race. At the heart of the resulting discrimination lay prejudice and false ideas about certain countries and groups of people. The media perpetuated those ideas, encouraging xenophobia, discrimination and the persecution of certain groups. When the media were under State control, the State must be held accountable. The State actually had an obligation to redress past imbalances and ensure that those who had been discriminated against in the past were in a position to compete on a level playing field. Programmes of affirmative action did not amount to reverse discrimination, provided that they did not violate the essence of equality.

45. A clear distinction must be drawn between discrimination that took place despite the existence of laws prohibiting it and institutionalized discrimination that was enshrined in a country's laws. Discrimination had been institutionalized in South Africa and was currently institutionalized in Fiji, where people were denied the right to participate in the political process purely on the grounds of race, and also in East Timor. Such bad examples were "infectious" appropriate measures must be taken to curb xenophobia and officially sanctioned discrimination.

46. Mr. DIVAKAR (Anti-Slavery International) said that up to 200 million Dalits ("untouchables" or "scheduled castes") were routinely discriminated against in what had been called India's "hidden apartheid". They were denied access to land, forced to work in degrading conditions and routinely abused by the police and higher caste groups. Dalit children made up the majority of those sold into bondage to pay off debts to creditors. Dalit women were frequently victims of sexual abuse and Dalit communities were made to perform degrading rituals.

47. India's Constitution had abolished "untouchability" in 1950 and there was no shortage of legislation to protect and promote the rights of Dalits. The problem was that the legislation in question remained unimplemented, particularly in rural areas. India's courts and constitutional and statutory bodies had repeatedly confirmed the existence of abuse of Dalits. Throughout South Asia, caste remained a determining factor for the attainment of social, political, civil and economic rights.

48. He suggested that the Sub-Commission should commission a study of the situation of Dalits in South Asia and similar communities in Japan, Senegal and Nigeria. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance should be invited to investigate caste-based and similar discrimination, which should be explicitly addressed in the agenda of the World Conference against Racism in the context of the definition of the term "racial discrimination".

49. Mr. JOSEPH (Pax Romana) said that Malaysia was not the model of a successful affirmative action policy portrayed in the Human Development Report 2000. There had still been no public inquiry into the 1969 race riots and footage of the riots had been broadcast by a Government-controlled television station to scare people away from voting for change. The dominant party in the coalition Government continued to thwart attempts to bring a different set of multiracial party politics into play. He urged the Sub-Commission to examine the alarmingly negative results of affirmative action in Malaysia.

50. Despite affirmative action in India, there was an alarming number of violations of the human rights of the Dalits, including in government institutions. It must be recognized that the caste system was itself a source of gross violations of human rights. The Special Rapporteur on the concept and practice of affirmative action should look at the practical applicability of affirmative action.

51. The forthcoming World Conference against Racism should address the issue of discrimination based on religion, to which Muslims in Europe and India and Christians in Pakistan were increasingly subjected. The idea that globalization tended to aggravate racial, ethnic and religious tensions was also a subject that should be developed further at the World Conference.

52. Ms. MONGE (Pax Romana) said that economic problems and bad legislation were often at the source of racist acts against migrant workers, such as those that had occurred in Spain. A green paper had been tabled to reform a new law granting basic rights to migrants. The reform would restrict migrants' rights, free the Government of any obligation to justify expulsions and make it more difficult for migrants to renew their work permits or to be reunited with their families.

53. Europe needed migrant workers for economic reasons, but many of the victims of the increasing number of racist acts in the region were migrant workers. She therefore requested the Sub-Commission to urge all receiving countries to implement legislation granting migrant workers their basic rights and to ensure that the protection of those rights was discussed in the Preparatory Committee for the World Conference against Racism.

54. Ms. GUTIERREZ (International Indian Treaty Council) said she hoped that the World Conference against Racism would not be just a platform for self-congratulatory speeches on the ending of apartheid, delivered by the representatives of Governments which had provided economic and other support to the apartheid regime.

55. Discrimination was a daily fact of life for indigenous peoples, whose lands, culture, holy places, language and traditions were under constant attack. In some countries, indigenous peoples had only limited access to health services, education or the courts. Their lands were used as dumps for industrial or radioactive waste or for military exercises or nuclear testing.

56. The establishment of the Permanent Forum for Indigenous Peoples and efforts to adopt a declaration on their rights had not yet had any effect on their lives. She therefore urged the Sub-Commission to ensure that discrimination against indigenous peoples was an integral part of the preparations for the World Conference against Racism and that indigenous peoples were fully involved in those preparations.

57. Mr. RAI (Liberation) said that nationalist politicians and the right-wing media in European democracies were appealing to xenophobic and latent racism to boost their popularity or circulation. However, despite their talk of refugee "crises", there was no evidence of any such crisis in any European country. Of course, there were some false claimants who sought asylum, but that was no reason for whipping up public hysteria. In fact, refugees had become

unprincipled political capital not because of their refugee status but because of their racial origins. The Sub-Commission should urge countries to avoid racial and xenophobic hysteria and to deal with refugee matters in a more civilized way.

58. One issue that could be usefully addressed by OHCHR and the World Conference was cultural racism. Cultural racism compelled people to conform to the cultural norms of the West in order to escape direct racism based on colour. People who adhered to their own dress codes, language or customs often found it difficult to get ahead. Policies were needed that would foster wider tolerance of diverse racial cultures rather than try to ensure conformity.

59. Mr. NEGRIN MUÑOZ (Observer for Mexico) said that the number of migrants in the world had almost doubled since 1965 and migrants had become the world's second-largest source of foreign exchange, after oil. The developed countries needed migrants for economic reasons or because of labour shortages. At the same time, greater social and economic inequalities between countries and demographic differences were also contributing to increasing migrant flows. The higher levels of migration had been accompanied by an increase in violations of migrants' human rights. The violations stemmed from racist and xenophobic attitudes, the criminal trafficking in migrants or the violent actions of racist individuals.

60. While States were sovereign in the implementation of their migrant policies, it could not be denied that police action to control migrant flows had led to tragedies, including deaths, and had indirectly contributed to the current explosion in trafficking in migrants. On the other side of his country's northern border, vigilantes were hunting down groups of Mexican migrants and, in 1999, 60 cases of serious violations of the human rights of Mexican migrants had been registered, while 235 Mexican migrants had died trying to cross the border.

61. His Government was making a huge effort to protect the human rights of Mexican migrants and of all migrants crossing its country's borders. It supported United Nations and regional efforts to protect migrants' rights, and had just acceded to the Convention relating to the Status of Refugees and its Protocol and the Convention relating to the Status of Stateless Persons.

62. The Sub-Commission could play a particularly important role in shaping the international agenda on the human rights of migrants. That agenda should cover: universal accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, strategies to combat racism and xenophobia, the link between trade and investment agreements and migrant flows, trafficking in migrants, the strengthening of regional mechanisms, and recognition of the contribution made by migrants to the development of both their host countries and their countries of origin.

63. Mr. FANEGO SEA (Observer for Cuba) said that the ending of apartheid and the lessons of history should have enabled mankind once and for all to overcome the evils of racism, racial discrimination and xenophobia. Unfortunately, they had emerged in new and more sophisticated forms in various parts of the world. Migrants, indigenous peoples, minorities and refugees were subjected to all kinds of attacks, while extreme right-wing ideas were gaining ground.

64. Social exclusion and the marginalization of countries and particular social groups and individuals tended to be exacerbated by individualistic models of political, economic and social organization. Political parties with a racist and xenophobic message were winning power in various political settings. In quite a few countries, domestic legislation discriminated against particular races and ethnic groups. Inter-ethnic conflicts and ethnic-cleansing policies led to horrendous massacres and forced huge numbers of people to flee, only to come up against verbal or physical abuse by extreme right-wing militants and discriminatory policies and legislation.

65. Economic globalization and attempts to impose a single universal development model were among the main factors responsible for that situation, which was further complicated by the spread of electronic networks such as the Internet, which could be used to disseminate ideas based on racial superiority and hatred. Concrete action was urgently needed to ensure the Internet was used responsibly.

66. The regional preparatory meetings and the World Conference against Racism would offer an opportunity to put forward measures to combat racism, racial discrimination and xenophobia, and also to discuss some form of compensation for the injury inflicted on peoples and individuals in the past by such practices. However, progress would be possible only if all members of the international community lived up to the commitments they made in international forums. His Government was proud of the progress it had made in eliminating racism and all forms of discrimination, and would be happy to share that experience with the international community.

67. Mr. MERIC (Observer for Turkey) said that the Sub-Commission had a significant role to play in the preparatory process for the World Conference against Racism. The main objective of the Conference was to develop an effective worldwide strategy against racism, racial discrimination and xenophobia, which were on the increase in their most subtle and contemporary forms. Mr. Pinheiro and Mr. Weissbrodt were to be commended on the working papers they had submitted to the Preparatory Committee at its first session. He was particularly interested in further studies on the rights of non-citizens and the concept and practice of affirmative action.

68. His Government wished to see the following points included in the draft declaration to be adopted by the World Conference: recognition that both physical and non-physical acts of racism, racial discrimination and xenophobia constituted a violation of human rights; attention to subtle new forms of racism and xenophobia, based on ideas of cultural superiority; recognition that racism might reappear at the official level if appropriate steps were not taken by the international community; and a firm and clear commitment to combat racism in all its forms and manifestations.

69. The programme of action should recognize that every individual had the right not to be subjected to racism, racial discrimination or xenophobia. It should call on all political parties not to arouse racist feelings for the sake of gaining votes and on Governments to provide effective legal protection against discrimination.

70. His Government believed that State obligations were best fulfilled by providing remedies and compensation at the individual level and by providing for deterrent penalties under criminal law. A racist motivation in violence must be seen as an aggravating factor in national criminal codes.

71. The programme of action should provide for easier access to the courts for the victims of discrimination and for the establishment of an independent intermediary, such as an ombudsman, for the settlement of disputes. It should also call on Governments to streamline their immigration and asylum policies so that they provided a basis for multicultural tolerance rather than racism and racial discrimination.

72. Mr. VEGA (Observer for Chile) said that his delegation sought to play an active part in the preparations for the World Conference against Racism, and hoped that the Conference would lead to fruitful results for societies, States and the international community. His Government was firmly committed to the basic human rights principles associated with mankind's development, particularly in view of its country's own experience of violations of human rights.

73. A number of issues of domestic concern to Chile were likewise appearing on the international agenda, and should feature prominently in the Conference's deliberations - issues such as indigenous populations, movements between neighbouring countries and the racist and discriminatory aspects of various national cultural movements. In that regard, his Government aimed at constitutional progress and dealing with current problems with openness and fairness - reasons why Chile had offered to host the regional preparations, to take place in Santiago next December, for the World Conference.

74. The Conference should look at two trends: society's erosion from above, as a result of globalization; and its erosion from below, marked by the multiplication of social identities. The former led to a loss of society's decision-taking "centre"; the latter to a proliferation of identities based on factors such as beliefs, income levels, colour, gender, age or place of origin, which tended to erode the notion of the State or of society in general. Matters were made worse by a general feeling of being swept along in a featureless movement having no known destination. Wealth, knowledge and technology were indeed increasing, but they were unfairly distributed; among countries and within countries. Opportunities for individual development and creativity existed as never before, but the quality of life was under physical and psychological threat; the environmental imbalance was serious; and the growth of xenophobia, urban violence and organized crime was partly due to the loss of community ties and a sense of belonging.

75. States, societies and the world community must develop a positive view of future tasks, stressing the link between the value of diversity and the preservation of identity, and promoting tolerance through a political system guaranteeing the right to have rights, within the framework of equality before the law which respected the rights of the poor and disadvantaged. Such was the aim of his country's current Government. The nation was at an important phase in the development of human rights, in which the problems of the past were beginning to be resolved and new challenges faced with fairness and openness.

76. His delegation welcomed the report by Mr. Pinheiro as an important contribution to the preparations for the World Conference, and urged that the Sub-Commission should continue the

course it had begun to that end. It was to be hoped that the Conference, by identifying problems, establishing prevention and early-warning systems and stressing the importance of education and democracy, would truly be able to formulate a world strategy against racism in the twenty-first century. Its success would require genuine commitment by societies, States and the international community, including the essential voice of the NGOs.

77. Mr. MOOSE (Observer for the United States of America) said that in his country, as in most others, racism was a complex issue deeply ingrained in the political, economic and social fabric. The United States, while celebrating its racial and ethnic diversity, continued to combat discrimination and work towards equal opportunity for all; its report to the Committee on the Elimination of Racial Discrimination detailed those efforts. The legal system provided strong protection against discrimination, as well as remedies. In addition, presidential executive orders over the years had added to that protection; the Constitution and federal statutes specifically prohibited racial discrimination by law-enforcement agencies; and allegations of racial discrimination in the criminal justice system were currently being reviewed by various states and the federal Government, including a federal review of concerns over racial disparities in matters such as the application of the death penalty.

78. His Government welcomed the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, together with the associated regional and preparatory meetings, as an important opportunity for a full discussion of the many and varied relevant issues. Racism and related discrimination plagued every society and nation; denial of that fact would be a disservice to the World Conference and to all who had hopes for it. There were no easy answers to the challenges involved for all countries and people. His delegation thus welcomed the Sub-Commission's involvement and the forthcoming opportunity for an exchange of views with other delegations.

79. Ms. BALOCH (Observer for Pakistan) said that, although the chains of slavery and apartheid had been broken, phenomena such as the caste system, bondage and xenophobia still prevailed; discrimination could be based not only on skin colour but also on ethnic origin, nationality and religion. Women, minorities and other disadvantaged groups faced multiple discrimination in some societies. Racism was not on the wane, as was widely believed, it was as strong as ever, taking new forms - often with attempts to camouflage them through the use of new terms such as guest workers, new immigrants, ethnicity and tribalism. Privileged societies should review such doomed efforts to insulate themselves and accept that populations of European origin were declining, and those of Asian and African origin expanding.

80. Not only individuals but entire societies and cultures were subject to discrimination, frequently as a result of notions of intellectual and cultural superiority. In the west, for example, an unfounded fear had been created about Islam; as a result, Muslims in many countries faced suspicion, social exclusion and even identification with terrorism. That phenomenon, as well as attempts at assimilation and the erosion of their separate identity, had spread alarmingly in the advanced countries, often with official or tacit sanction.

81. In that regard, the efforts of the Organization of the Islamic Conference (OIC) in international human rights forums deserved global support, and the Commission's adoption by consensus of a resolution on defamation of religions had been a welcome step. The Tehran

Declaration on Dialogue among Civilizations, adopted by the OIC in May 1999, was a contribution by the Islamic countries to the collective fight against racism, racial discrimination, xenophobia and related intolerance.

82. Her delegation endorsed its recommendation for the adoption of a universal convention on dialogue among civilizations, and urged the international community to support such action, since the General Assembly had proclaimed 2001 to be the United Nations Year for Dialogue among Civilizations. The World Conference against Racism was to be held in that year also and her delegation had great expectations about the Sub-Commission's part therein.

83. Mr. SANDOVAL (Observer for Colombia) said that the existing pattern of societies and States was the outcome of the historical movements of peoples, their intermingling, cultural interaction and the linguistic blending; the encounter between the Americas and the so-called Old World was a case in point. And migrations had continued, as part of the process of economic, social, scientific, cultural and political development. Attempts to ignore their contribution to mankind's development would distort the international and domestic factors that were at the root of migratory movements and encourage the racism and xenophobia underlying anti-immigration policies and programmes. Moreover, such an attitude to the dynamics of migration was clearly incompatible with the promotion and protection of the human rights of migrant workers and their families.

84. At the same time, the countries of origin should be assisted, by means such as equitable market openings for their goods and especially agricultural produce in the case of developing countries, to ease the pressure to emigrate. Globalization, based on free movement of the factors of production, should be no obstacle to legitimate mobility and should lead to no discrimination and marginalization of human resources. It was also urgent to ensure access by migrant workers and their families to the host nations' systems of education, health and justice.

85. The human rights of migrants should thus be on the agenda of the forthçoming World Conference against Racism and early ratification by all States of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should be urged.

86. Mr. AL-HADDAD (Observer for Bahrain) said that his country's commitments to international efforts in the cause of human rights included its accession, in 1998, to the International Convention on the Elimination of All Forms of Racial Discrimination, and its submission of the relevant reports, the most recent being in March of the current year, to the Committee on the Elimination of Racial Discrimination. The purposes of that Convention accorded with his country's policy, based on justice and equality, in dealing with any forms of racial discrimination. In keeping with its Constitution, it was obliged to recognize as binding, in domestic law, any international instruments to which the Government acceded. The authorities likewise provided services to promote and protect human rights - for example, in areas such as training and education, health and food security - for all citizens. A sense of citizenship was also promoted by measures such as free legal advice to all those unable to afford it, as part of the determination to uphold the right of all to justice, and attention to the welfare of migrant workers.

87. Mr. NEGROTTO CAMBIASO (Observer for Italy), referring to preparations for the World Conference against Racism, said that Italy, as President of the forthcoming European Conference, would maintain a dialogue with the countries organizing the other regional conferences. In seeking to promote open and future-oriented dialogue, however, it would not overlook the lessons of the past, which were essential to the present and future of human rights; the culture of oblivion could undermine the attempts to shape a better world free from colonialism, slavery and racism.

88. The issue of migrant workers, while it could inspire new positive awareness of potential enrichment, could also engender a distorted approach and even intolerance. The ever-increasing presence of migrant workers in Italy had abruptly transformed it from a traditionally emigrant country to one with massive immigration, with a resultant profound psychological effect. Therefore, while the positive aspects were being encouraged through suitable initiatives aimed at shaping a richer multicultural society, sustained effort was also needed to combat the pathological aspect of illegal immigration, from the South and especially from the East.

89. Law No. 40 of 6 March 1998, regulating the status of migrant workers, thus represented an act of confidence in foreign workers, regarding which Italy counted on the full cooperation of their countries of origin.

90. Mr. SABHARWAL (Observer for India) said that, despite the triumph against apartheid, racism continued to grow, remaining a cause of discrimination that affected individuals and permeated institutions in several parts of the world. Particularly disturbing was the concept of regional bastions fostered by groups of nations, treating foreigners and immigrants as threats to local prosperity, culture and identity. Recognition of the problem's existence was essential to concerted remedial action; it was hoped, in that regard, that the forthcoming World Conference against Racism would promote awareness and identification of the phenomenon and seek ways to eliminate it. The Sub-Commission had made a valuable contribution to the preparations; his delegation appreciated the valuable studies on various aspects produced by a number of its members.

91. The World Conference should unequivocally declare racism to be an affront to human dignity and anathema to the values enshrined in the Universal Declaration of Human Rights. It should also build on the huge existing consensus against racism and not be diverted by minutiae or finger-pointing. Concentration on thematic aspects might be a fruitful approach. The Conference should reaffirm that diversity and tolerance enriched societies rather than undermining them, that a change in social attitude was as important as laws, and that education, particularly mass information measures, had an important role to play. His delegation thus welcomed the suggestion for meetings with chief executive officers of the world's major Internet providers and media executives.

92. The Conference should also focus on the adverse economic effects, for certain countries and societies, of globalization, and call for the strengthening of legislative and enforcement measures. It should likewise draw attention to the continued attempts, such as one recent case, to institutionalize discrimination on grounds of race or ethnicity and condemn them. India was strongly opposed to moves to include in the agenda of the Conference any issues unconnected with racism, racial discrimination and related intolerance.

93. Mr. BAICHOO (Observer for Mauritius) said that his country, with its diverse races, ethnic groups and religions, attached the highest priority to human rights and their protection under the rule of law, and therefore found distressing the persistence of racism in its varied forms despite the international community's efforts. In that context, it welcomed the statement, by Ms. Hampson concerning a recent glaring instance of discrimination, where a group within a democratic, multi-ethnic community had seemingly turned its back on the principle of equality before the law.

94. His delegation welcomed the preparations for the World Conference against Racism, particularly the OHCHR initiatives to seek suggestions from Governments with a view to drafting a relevant declaration and programme of action and to urge that the Conference should provide an opportunity for each State to review its human rights legislation, policies and practices. In supporting those initiatives, his Government felt that the Conference should consider measures to dissuade countries from acting contrary to their international obligations. It should propose a world strategy for the struggle against racism in the new millennium. The need for affirmative action in certain special cases should not be overlooked. Thus, his Government, by action in favour of handicapped persons, had greatly facilitated their integration into Mauritian society.

The meeting rose at 6 p.m.